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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON
14 AT TACOMA

15 CHRISTOPHER C. JOHNSON,

16 Plaintiff,

17 vs.

18 NATIONAL ENTERPRISE SYSTEMS, INC.,
19 *et al.*,

20 Defendants.

Case No.: 3:23-CV-06065-TMC

ANSWER OF DEFENDANT NATIONAL
ENTERPRISE SYSTEMS, INC.

21 Now comes Defendant National Enterprise Systems, Inc. ("NES"), by and through its
22 undersigned counsel, and for its Answer to Plaintiff Christopher C. Johnson's ("Plaintiff")
23 Complaint, states as follow:

24 **INTRODUCTION**

25 1. NES admits that Plaintiff's Complaint attempts to state claims against it under the
26 Fair Debt Collection Practices Act ("FDCPA") and Washington state law but denies the
allegations set forth in Paragraph 1 of Plaintiff's Complaint to the extent they allege or imply
wrongdoing by NES, that Plaintiff has any viable claims against NES, or that Plaintiff is entitled
to any damages as against NES. Further answering, NES is without knowledge or information
sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 1 of

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1 Plaintiff's Complaint, and therefore denies the same.

2 **BASIS OF JURISDICTION**

3 2. Paragraph 2 of Plaintiff's Complaint sets forth legal conclusions to which no
4 response is required. To the extent a response is required, NES admits that this Court has
5 jurisdiction over claims arising under federal law but denies the allegations set forth in Paragraph
6 2 of Plaintiff's Complaint to the extent they allege or imply wrongdoing by NES. Further
7 answering, NES is without knowledge or information sufficient to form a belief as to the truth of
8 the remaining allegations set forth in Paragraph 2 of Plaintiff's Complaint, and therefore denies
9 the same.

10 3. Paragraph 3 of Plaintiff's Complaint sets forth a legal conclusion to which no
11 response is required. To the extent a response is required, NES is without knowledge or
12 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of
13 Plaintiff's Complaint, and therefore denies the same.

14 **PARTIES**

15 4. Paragraph 4 of Plaintiff's Complaint sets forth legal a conclusion to which no
16 response is required. To the extent a response is required, NES is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of
18 Plaintiff's Complaint, and therefore denies the same.

19 5. NES admits that it is a corporation organized under the laws of the State of Ohio
20 and its registered agent in the State of Washington is Sherri L. Simonoff, 512 Bell St., Edmonds,
21 Washington, 98020-3147. Further answering, NES is without knowledge or information
22 sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 5 of
23 Plaintiff's Complaint, and therefore denies the same.

24 6. NES is without knowledge or information sufficient to form a belief as to the truth
25 of the allegations set forth in Paragraph 6 of Plaintiff's Complaint, and therefore denies the same.

26 7. Paragraph 7 of Plaintiff's Complaint sets forth a legal conclusion to which no

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1 response is required. To the extent a response is required, NES admits that, under certain
 2 circumstances, it may fall under the definition of “debt collector” as that term is defined in the
 3 FDCPA. Further answering, NES is without knowledge or information sufficient to form a
 4 belief as to the truth of the remaining allegations set forth in Paragraph 7 of Plaintiff’s
 5 Complaint, and therefore denies the same.

6 8. NES denies the allegations set forth in Paragraph 8 of Plaintiff’s Complaint to the
 7 extent they allege or imply wrongdoing by NES. Further answering, NES is without knowledge
 8 or information sufficient to form a belief as to the truth of the remaining allegations set forth in
 9 Paragraph 8 of Plaintiff’s Complaint, and therefore denies the same.

10 **FACTUAL ALLEGATIONS**

11 9. Paragraph 9 of Plaintiff’s Complaint, and all subparts thereof, set forth legal
 12 conclusions to which no response is required. To the extent a response is required, NES is
 13 without knowledge or information sufficient to form a belief as to the truth of the allegations set
 14 forth in Paragraph 9 of Plaintiff’s Complaint, and all subparts thereof, and therefore denies the
 15 same.

16 10. Paragraph 10 of Plaintiff’s Complaint sets forth a legal conclusion to which no
 17 response is required. To the extent a response is required, NES is without knowledge or
 18 information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10
 19 of Plaintiff’s Complaint, and therefore denies the same.

20 11. NES admits that an account in Plaintiff’s name (the “Account”) was placed with it
 21 for collection. Further answering, NES is without knowledge or information sufficient to form a
 22 belief as to the truth of the remaining allegations set forth in Paragraph 11 of Plaintiff’s
 23 Complaint, and therefore denies the same.

24 12. NES states that the document attached to Plaintiff’s Complaint as Exhibit A
 25 speaks for itself. Further answering, NES denies the remaining allegations set forth in Paragraph
 26 12 of Plaintiff’s Complaint.

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1 the extent they allege or imply wrongdoing by NES. Further answering, NES is without
2 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
3 set forth in Paragraph 26 of Plaintiff's Complaint, and therefore denies the same.

4 27. NES denies the allegations set forth in Paragraph 27 of Plaintiff's Complaint to
5 the extent they allege or imply wrongdoing by NES. Further answering, NES is without
6 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
7 set forth in Paragraph 27 of Plaintiff's Complaint, and therefore denies the same.

8 **COUNT 1 VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

9 **15 U.S.C [sic] § 1692d NATIONAL ENTERPRISE SYSTEMS INC.**

10 28. All allegations incorporated by reference in Paragraph 28 of Plaintiff's Complaint
11 are admitted and denied in the same manner and to the same extent as said allegations are
12 otherwise admitted and denied herein.

13 29. NES denies the allegations set forth in Paragraph 29 of Plaintiff's Complaint.

14 30. NES denies the allegations set forth in Paragraph 30 of Plaintiff's Complaint.

15 31. NES denies the allegations set forth in Paragraph 31 of Plaintiff's Complaint.

16 32. NES denies the allegations set forth in Paragraph 32 of Plaintiff's Complaint.

17 **COUNT II VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

18 **15 U.S.C [sic] § 1692c(a)(1) DEFENDANT NATIONAL ENTERPRISE SYSTEMS INC.**

19 33. All allegations incorporated by reference in Paragraph 33 of Plaintiff's Complaint
20 are admitted and denied in the same manner and to the same extent as said allegations are
21 otherwise admitted and denied herein.

22 34. NES denies the allegations set forth in Paragraph 34 of Plaintiff's Complaint.

23 35. NES denies the allegations set forth in Paragraph 35 of Plaintiff's Complaint.

24 36. NES denies the allegations set forth in Paragraph 36 of Plaintiff's Complaint.

25 37. NES denies the allegations set forth in Paragraph 37 of Plaintiff's Complaint.

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**COUNT III VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES
ACT 15 U.S.C [sic] § 1692f(1) DEFENDANT NATIONAL ENTERPRISE SYSTEMS INC.**

38. NES denies the allegations set forth in Paragraph 38 of Plaintiff's Complaint.

39. NES denies the allegations set forth in Paragraph 39 of Plaintiff's Complaint.

40. NES denies the allegations set forth in Paragraph 40 of Plaintiff's Complaint.

41. NES denies the allegations set forth in Paragraph 41 of Plaintiff's Complaint.

**GENERAL ALLEGATIONS APPLICABLE TO ALL WASHINGTON CONSUMER
PROTECTION ACT CLAIMS**

42. Paragraph 42 of Plaintiff's Complaint sets forth legal conclusions to which no response is required. To the extent a response is required, NES is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 42 of Plaintiff's Complaint, and therefore denies the same.

43. Paragraph 43 of Plaintiff's Complaint sets forth legal conclusions to which no response is required. To the extent a response is required, NES denies the allegations set forth in Paragraph 43 of Plaintiff's Complaint to the extent they allege or imply wrongdoing by NES. Further answering, NES is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 43 of Plaintiff's Complaint, and therefore denies the same.

44. Paragraph 44 of Plaintiff's Complaint sets forth legal conclusions to which no response is required. To the extent a response is required, NES is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 44 of Plaintiff's Complaint, and therefore denies the same.

**COUNT IV VIOLATION OF THE WASHINGTON COLLECTION AGENCIES
ACT RCW 19.16.250(13) DEFENDANT NATIONAL ENTERPRISE SYSTEMS INC.**

45. All allegations incorporated by reference in Paragraph 45 of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent as said allegations are

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otherwise admitted and denied herein.

46. NES denies the allegations set forth in Paragraph 46 of Plaintiff's Complaint.

47. NES denies the allegations set forth in Paragraph 47 of Plaintiff's Complaint.

**COUNT V VIOLATION OF THE WASHINGTON CONSUMER PROTECTION
ACT RCW 19.86 DEFENDANT NATIONAL ENTERPRISE SYSTEMS INC.**

48. All allegations incorporated by reference in Paragraph 48 of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.

49. NES denies the allegations set forth in Paragraph 49 of Plaintiff's Complaint.

50. NES denies the allegations set forth in Paragraph 50 of Plaintiff's Complaint.

51. NES denies the allegations set forth in Paragraph 51 of Plaintiff's Complaint.

**COUNT VI: INVASION OF PRIVACY (INTRUSION ON SECLUSION)
DEFENDANT NATIONAL ENTERPRISE SYSTEMS INC.**

52. NES denies the allegations set forth in Paragraph 52 of Plaintiff's Complaint.

53. NES denies the allegations set forth in Paragraph 53 of Plaintiff's Complaint.

**COUNT VII IMPUTED LIABILITY OF NAVY FEDERAL CREDIT UNION FOR
LIABILITY OF BY [sic] NATIONAL ENTERPRISE SYSTEMS INC.**

54. All allegations incorporated by reference in Paragraph 54 of Plaintiff's Complaint are admitted and denied in the same manner and to the same extent as said allegations are otherwise admitted and denied herein.

55. NES denies the allegations set forth in Paragraph 55 of Plaintiff's Complaint.

56. NES is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 56 of Plaintiff's Complaint, and therefore denies the same.

57. NES denies all other allegations set forth in Plaintiff's Complaint that are not otherwise specifically admitted or denied herein.

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AFFIRMATIVE DEFENSES

1. NES affirmatively alleges, in the alternative, that Plaintiff has failed to state a claim upon which relief can be granted.

2. NES affirmatively alleges, in the alternative, that all of Plaintiff's claims are barred by a written agreement, between Plaintiff and NES, to settle such claims.

3. NES affirmatively alleges, in the alternative, that one or more of Plaintiff's claims may be barred by the doctrines of waiver, estoppel, laches, and/or unclean hands.

4. NES affirmatively alleges, in the alternative, that any violation of law by NES, which is specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

5. NES affirmatively alleges, in the alternative, that it acted in good faith at all times and in good faith reliance on the information provided by the creditor of the Account.

6. NES affirmatively alleges, in the alternative, that if it performed any wrongful acts, which is specifically denied, such acts were not performed knowingly, purposely, with malicious purpose, in bad faith, intentionally, recklessly, willfully, or wantonly.

7. NES affirmatively alleges, in the alternative, that Plaintiff has not suffered any compensable damages as a result of its actions.

8. NES affirmatively alleges, in the alternative, that Plaintiff may have failed to mitigate his damages, if any.

9. NES respectfully reserves the right to assert any additional affirmative defenses that may be revealed during the course of these proceedings.

WHEREFORE, Defendant requests that this Court dismiss Plaintiffs' Complaint at Plaintiffs' cost, and that Defendant be awarded reasonable attorney fees and costs as provided for under applicable law.

1 Dated December 29, 2023.

2 HASSON LAW, LLC

3 s/ Jeffrey I. Hasson

4 WSBA No. 23741

5 Hasson Law, LLC

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11 *Attorney for National Enterprise Systems, Inc.*

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CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Christopher C. Johnson, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: CV-

Dated December 29, 2023.

HASSON LAW, LLC

s/ Jeffrey I. Hasson

Jeffrey I. Hasson, WSBA No. 23741

Attorney for National Enterprise Systems, Inc

CERTIFICATE OF SERVICE - 1
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